THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.18742 OF 2005

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DATED 04.10.2005

Between

J N Chowdary S/o Mallikarjunudu, C/o B.Suresh Kumar,

H.No.36-92-242/33/1, Srinivasanagar (Shantipuram),

Visakhapatnam.

…Petitioner

and

Commissioner, Municipal Corporation of Visakhapatnam,

Visakhapatnam.

…Respondent

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.18742 OF 2005

ORDER:

The petitioner is allegedly owner of building site admeasuring 2,790 square yards forming part of premises bearing No.36-92-242/33/1, ward No.29, T.S.No.21/1, Visakhapatnam. He allegedly obtained building permission on 02.01.2004 for construction of ground+four floors and allegedly made construction as per the sanctioned plan. The Municipal Corporation of Visakhapatnam (Corporation, for brevity) issued a notice under Section 452 of Hyderabad Municipal Act, 1955, (the Act, for brevity) read with Section 7 of Visakhapatnam Municipal Corporation Act on 13.12.2004 pointing out certain deviations. The petitioner allegedly submitted explanation on 03.01.2005 but the respondent Corporation passed orders under Section 636 of the Act informing that as the petitioner failed to submit explanation, the illegal constructions/deviations could be removed and expenses shall be recovered from him. Assailing the notice/order dated 08.08.2005 issued by the respondent Corporation, the present writ petition is filed.

The learned counsel for the petitioner, Ms.G.Niraja Reddy, raised only contention that though the petitioner submitted explanation on 03.01.2005, the same was not considered and the respondent passed impugned order under mistaken impression that such explanation was not filed.

The learned standing Counsel for Corporation has filed counter affidavit. The allegation that the petitioner filed explanation on 03.01.2005 is not denied. Therefore, this writ petition is disposed of directing the respondent to consider the explanation submitted by the petitioner on 03.01.2005 and pass appropriate orders in relation to alleged deviations/illegal constructions made by the petitioner within a period of three weeks from the date of receipt of this order.

The writ petition is accordingly disposed of. No costs.

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(V.V.S.RAO,J)

04.10.2005.

Note: Issue CC by 06.10.2005.

(By order)

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